

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

VICKIE D. CHILDS,)	
)	
Plaintiff)	
)	
v.)	No. 3:05-cv-589
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant)	

MEMORANDUM AND ORDER

This matter was referred to a United States magistrate judge of this district pursuant to 28 U.S.C. § 636(b) and Rule 72(b), Federal Rules of Civil Procedure, for a report and recommendation regarding disposition of plaintiff's motion for summary judgment [Court File #14] and defendant's motion for summary judgment [Court File #16]. In a report and recommendation dated November 6, 2006, the United States magistrate judge recommended that the plaintiff's motion be denied and the defendant's motion be granted [Court File #18]. Plaintiff has failed to file a timely objection to the report and recommendation.

Upon a *de novo* review of the record in this case and the magistrate judge's report and recommendation, I am in agreement with the United States

magistrate judge. Specifically, the court finds that there is substantial evidence in the record to support the opinion of the vocational expert that there are a significant number of jobs in the national economy, as described by the vocational expert, which plaintiff is capable of performing in spite of her limitations. Further, there is no evidence in the record to support plaintiff's assertion that the administrative law judge did not consider the record as a whole.

In light of the foregoing, the report and recommendation of the United States magistrate judge [Court File #18] is hereby ACCEPTED. Plaintiff's motion for summary judgment [Court File #14] is DENIED; defendant's motion for summary judgment [Court File #16] is GRANTED; and the final decision of the Commissioner is AFFIRMED.

E N T E R :

s/ James H. Jarvis
UNITED STATES DISTRICT JUDGE